

Congress of the United States

Washington, DC 20510

September 22, 2006

The Honorable David M. Walker
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

We are writing to you regarding the recent *E. coli* O157:H7 outbreak involving pre-packaged spinach. While we understand that the Food and Drug Administration's (FDA's) response was faster than in past outbreaks of foodborne illnesses, we are still concerned about the amount of time that passed between the first reports of illness and when consumers were notified.

According to FDA, state health officials first began to report illnesses connected to the current *E. coli* outbreak around August 23rd, but FDA did not issue its consumer warning until September 14th. Although we understand that it takes some time before lab results from victims are reported, most of the illnesses reported occurred between August 26th and September 9th. It is imperative that we determine what changes to our food safety system are needed to narrow the gap between the date an illness is first detected and the date that consumer warnings are first issued.

Please assess the response by federal, state and local health officials to the recent outbreak of *E. coli* in pre-packaged spinach and suggest reforms to the federal food safety system that would help prevent future outbreaks of foodborne illnesses. What changes should be made to our current food safety system that would help minimize the harm to public health and limit the economic harm experienced by entities involved in producing food products? What reforms should be adopted to help prevent future foodborne illnesses that are linked to fresh produce and fresh produce products?

In February 2005, GAO released a report that examined the experiences of seven countries – Canada, Denmark, Germany, Ireland, the Netherlands, New Zealand and the United Kingdom – in consolidating their food safety systems.

Please examine instances in the seven countries where an outbreak of foodborne illness took place after the country had established a single agency to lead food safety management. What beneficial actions were taken by the unified agency in those countries to effectively minimize harm to public health and economic harm to the food industry? What changes should be made to the existing U.S. food safety system that could minimize harm to public health and economic harm to the food industry should a similar foodborne illness outbreak occur?

When former Health and Human Services Secretary Tommy Thompson left the President's Cabinet, he expressed concern that terrorists could easily attack our food supply, particularly through imported foods. Please evaluate the likely response by federal, state and local health officials to a hypothetical bioterror attack on our food system. For example, what would be the likely response to the following hypothetical situations:

- insertion of a deadly toxin into meat products at a domestic meat processing plant;
- intentional bacterial contamination of uncooked produce on a large farm;
- insertion of a deadly toxin into random pieces of fruit imported in bulk from outside of the United States;
- intentional toxic contamination of seafood products at domestic or international processing plants; and
- insertion of a deadly toxin into water or milk products?

Please assess the effectiveness of the likely federal, state and local response to such bioterror attacks in terms of minimizing harm to human health and economic activity. What reforms in the federal food safety system should be adopted that would minimize the potential harm that such bioterror attacks would cause?

As you proceed with this request, we would appreciate your keeping us informed of your progress. Thank you in advance for your cooperation.

Sincerely,



Richard J. Durbin
United State Senator



Rosa L. DeLauro
Member of Congress